

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GENERAL HOSPITAL
CORPORATION and DANA-FARBER
CANCER INSTITUTE, INC.,

Plaintiffs,

V.

ESOTERIX GENETIC LABORATORIES,
LLC and LABORATORY CORPORATION
OF AMERICA HOLDINGS,

Defendants.

C.A. NO. 1:18-cv-11360-IT

**DECLARATION OF CHRISTOPHER R. HOWE
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT**

I, Christopher R. Howe, hereby declare that the following is true and correct under penalties of perjury, pursuant to 28 U.S.C. § 1746:

1. I am a member of the law firm of Campbell Campbell Edwards & Conroy, P.C., counsel to Defendants Esoterix Genetic Laboratories, LLC (“EGL”) and Laboratory Corporation of America Holdings (“LabCorp”) (collectively, “Defendants”), in the above-referenced matter.

2. I am more than 18 years of age, am competent to make this declaration, and do so on my personal knowledge. The basis for my knowledge is my review of the files maintained by Campbell Campbell Edwards & Conroy, P.C. as part of its representation of Defendants, including the documents attached hereto. I make this declaration in support of Defendants' Motion to Dismiss the Second Amended Complaint filed by Plaintiffs The General Hospital Corporation and Dana-Farber Cancer Institute, Inc. on November 9, 2018.

3. Attached hereto as Exhibit A is a true and correct copy of the Amended Complaint filed on August 14, 2014 by EGL against Qiagen N.V., Qiagen GmbH, Qiagen North

American Holdings, Inc., Qiagen Inc., and Qiagen Manchester, Ltd. in the United States District Court for the District of Massachusetts, Case No. 14-cv-13228 (“EGL’s Amended Complaint”) (the “QIAGEN Litigation”).

4. Attached hereto as Exhibit B is a true and correct copy of Qiagen Manchester Ltd. and Qiagen Inc.’s Answer, Affirmative Defenses, and Counterclaims to EGL’s Amended Complaint, filed on October 23, 2015 in the QIAGEN Litigation.

5. Attached hereto as Exhibit C is a true and correct copy of a Memorandum and Order issued by the Court in the QIAGEN Litigation on September 25, 2015.

Executed on the 15 day of November, 2018.

/s/ Christopher R. Howe
Christopher R. Howe

CERTIFICATE OF SERVICE

I, Christopher R. Howe, counsel for defendants Esoterix Genetic Laboratories, LLC and Laboratory Corporation of America Holdings, hereby certify that on November 15, 2018, I electronically filed the foregoing Declaration with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record. I also served a true copy of the above Declaration by first class mail, postage pre-paid, on all parties of record.

/s/ Christopher R. Howe
Christopher R. Howe